WANT MORE MONEY

Congress to Vote for a Salary Increase.

PLAN IS WELL ARRANGED

An Amendment to the Legislative Bill to Be Moved from the Floor of the House Raising the Pay to $7,500, and Speaker Cannon Is Said to Be in Favor of the Measure.

The Republican leaders of the House have decided to undertake to increase the pay of Senators and members from $5,000 to $7,500 a year. This determination has not been reached without numerous conferences and much confidential debate.

The first direct move made toward the consummation of a wish, that has been entertained for many years, occurred yesterday, when Representative Tawney met the members of the subcommittee of the House Committee on Appropriations having charge of the legislative and executive bill, and announced that he had a message of good tidings for them in the word from Speaker Cannon that he would not stand in the way of the proposition coming from the committee to increase the pay of members and Senators from $5,000 to $7,500.

The subject was thoroughly discussed, and in the round-up of heartfelt comment on the proposition, it developed that complete unanimity of approval existed in the subcommittee as to the desirability of the legislation in question.

During the day the Democratic leaders were sounded on the subject, and it was learned that they were disposed to sympathize with the belief that more pay in the lives of members of Congress would be a good thing.

The plan was advanced by the Republican managers, that to avoid all effort to gain party advantage, the Republican majority should stand together in voting for the measure and accept all the responsibility implied in the act, while the Democrats should be at liberty to vote furiously against the increase, but should make no speeches against it. It was agreed that it would be inadvisable to place the proposed legislation in the legislative bill, which will be reported during the next few days, but that Mr. Littauer, the chairman of the subcommittee having charge of the bill, should present the amendment on the floor of the House when the measure was under consideration.

The increase includes the change of the pay of the Speaker and Cabinet members from $8,000 a year to $10,000. The proposed change is not to go into effect until the 4th of March, 1909, when the term of the members of the Sixty-first Congress shall begin. By this course members of the present Congress who vote for the increase protect themselves suitably from the charge that they are voting to increase their own pay.

Another general Congressional election must take place before the new compensation goes into effect, if this course is pursued. Few members of the present Congress are disposed to claim that they will be members of the Sixty-first Congress, and criticism of this sort would be of little force.

The Famous Salary Grab.

The present salaries of Members and Senators were fixed by a special act approved January 20, 1874, for the purpose of repealing the notorious "back pay salary grab" fastened on the legislative appropriation bill by the Forty-second Congress on the 3d of March, 1873. That measure was retroactive, and under it Members and Senators voted themselves increase of pay from the beginning of the term in which the act was passed. Senator Allison is to-day the last living survivor of the famous Congress that voted the salary grab. His service in the Senate began the day after the grab act was passed. The late Gen. John H. Ketcham, of New York, was a member of the Forty-second Congress, and his death removed the last member of the House of Representatives who witnessed the attempt over thirty-three years ago to increase the pay of Members and Senators.

Speaker Cannon, whose service in Congress wears the earliest date of any now on the longevity roll of the House, entered that body with the Forty-third Congress, and voted for the repeal of the salary grab.

The political havoc that followed the salary grab of 1873 was something fearful, and men in public life were taught an indelible and salutary lesson at that time which has not yet been forgotten by their successors.

Not only were scores of members of the House driven back to private life in the next general election, but the legislatures of a dozen States punished Senators by refusing them a re-election. Among those who went down were Matt Carpenter, of Wisconsin; John A. Logan, of Illinois, and Zach Chandler, of Michigan. Matt Carpenter went before the people of his State with a brilliant and daring defense of the salary grab, and in justification of his vote dug out records to show that if George Washington had died a few years earlier than he did, he would have gone into history as a defaulter to the general government.

Notwithstanding Carpenter's bold and defiant plea, the legislature of his State refused to re-elect him, although four years later he was again elected, as were Logan and others.

In view of the experience of many good men in those days the friends of the present effort to increase Congressional pay have planned their work with more than unusual wisdom. They reason that the present compensation, while it looks large, is not enough to meet the many heavy expenses to which a man in public life is subjected. There are unceasing drafts on his generosity and good will.

Indigent and unfortunate constituents are continually turning up in the corridors of the Capitol with hard luck appeals, which can only be assuaged by the descent of the giving hand into the trousers pocket with the incident loss of a $5 or $10 bill. The living expenses of the average member in Washington have of late years increased, and with the abolishment of passes he is now confronted with the discouraging fact that he cannot flee from his predicament without paying out good coin. Among sane men there is really little disposition to criticise the desire of public men for more pay.

It is recognized that they pay out most of what they get to keep up the necessary position and service of a Congressman. It is the backwoods constituent that is feared most.

A Member's View.

"I can't avoid voting against an increase," said a prominent Southern member last night, 'but I hope it will pass. Why, my people would jerk me back into private life so quick if I should vote for it that I would be dizzy a thousand years. The farmers in my bailiwick think $5,000 is a fortune. Few of them get that much for a lifetime of hard toil. To get it in one year looks like robbery to them. You could go out and tell the voters in half the districts in the West and South that their members had voted themselves even half their present pay, and they would try to beat them in their next conventions. I want that idea adopted, but I shall be loudly again it on the floor."

NO CHANGE IN SPELLING.

Paragraph in Appropriation Bill Agreed on by Subcommittee.

The subcommittee of the House Committee on Appropriations, which is working on the legislative, executive, and judicial appropriation bill, has finally decided to insert in that measure a paragraph providing that all documents and publications over which Congress has jurisdiction shall be spelled according to the methods approved by Webster's dictionary. Such documents will include the Congressional Record, bills, resolutions, reports on bills, and resolutions; annual reports of departments, which are ordered by Congress; and, in short, practically everything in the line of public and official documents except the President's message.

It is assumed that the full committee will adopt the recommendation of the subcommittee, and that the whole matter will thus be passed up to Congress. Until both Houses act in the premises, however, both styles of spelling will be observed in bills and other documents. The new style will be used first, and each word spelled according to that style will be followed by the same word, spelled according to the old method, in parentheses. The sentiment among lawmakers generally seems to be overwhelmingly in favor of the retention of the old style.

The legislative, executive, and judicial bill will be the first of the big money bills reported to the House, so early action on the spelling matter is looked for.

PRESIDENT PREPARES DATA

Maj. Garlington Called Into Conference on Brownsville Riots.

Prompt and Complete Answer to Be Made to the Senate Resolutions Asking for the Facts.

President Roosevelt and Gen. Garlington, inspector general of the army, held a long conference at the White House last night regarding the riots at Brownsville, Tex., which resulted in the summary dismissal of three battalions of the Twenty-fifth Infantry.

The President is making preparations to answer either the Penrose or Foraker resolutions, if adopted by the Senate, and will have the reply ready for transmittal Thursday, if necessary.

Predictions of a storm in the Senate yesterday over the dismissed men of the Twenty-fifth were visited with failure. Senator Penrose was not present when the reading of the message closed, and miscellaneous business was taken up. Senator Foraker simply moved that his resolution go over and be again printed in the Congressional Record to cure some typographical errors. Notwithstanding the innocuous quietude that seemed to have settled down on the Senators who want to take up the cudgel in defense of the negro troops, it was well understood that the subject will sooner or later be well threshed out. Several Democratic Senators during the day expressed their desire to see the resolutions passed, so as to bring all the facts before the country. But no Democratic Senator was found who said he would vote to censure the President for discharging the negro battalion, or in any way support any form of disapproval of his act.

Senator Penrose said he had no hesitation in stating that his move in the matter was prompted by a desire to gratify the wish of former Representative George H. White, to get a day in court for the discharged men. Mr. White, who is a negro, formerly lived in North Carolina, and was twice elected to Congress from that State, and, in fact, was the last colored member of the House from any State. He now lives in Philadelphia, and has a prosperous law practice there. During the last State campaign White was relied on by the regular Republicans to keep the large negro vote of Philadelphia in line for the Penrose ticket, and not go over to the fusion camp. This he did in good shape, and Senator Penrose therefore feels under especial obligations to him. White himself indulges in no rosy expectation that much can be accomplished for the discharged men, but he will do what he can for them.

Representative Slayden, of Texas, yesterday introduced a bill to discontinue the enlistment of colored trops in the army. There are now four colored regiments—two of infantry and two of cavalry.

NEGRO RESOLUTION TO-DAY.

Investigation of Discharge of Soldiers Among Possibilities.

It was the understanding when the Senate adjourned yesterday that its time would be occupied to-day mainly in debating the pending resolution offered by Senator Penrose, of Pennsylvania, and Senator Foraker, of Ohio, calling on the President for information concerning the discharge of the three companies of negro soldiers.

There is a wide difference of opinion as to what disposition will be made of the resolution. A prominent New England Senator usually well informed, predicted that Senator Foraker's substitute would be adopted, and that an investigation of the whole subject by the Senate Committee on Military Affairs would follow.

It is understood that Chairman Warren, chairman of the Committee on Military Affairs, will ask that the Penrose resolution and the Foraker substitute, be both referred to his committee for a report.

To Consider Moody Nomination.

A meeting of the Senate Judiciary Committee has been called for to-day for the purpose of taking up the nomination of Attorney General Moody as Associate Justice of the Supreme Court, and the nomination of judges against which no opposition has developed.

Although no poll of the committee has been made, it is thought that there is no objection to Mr. Moody. The understanding is that he will be confirmed this week, and that the Cabinet changes resulting from his elevation to the bench will occur next Monday.

Mississippian Gets Ike Hill's Place.

The Democrats of the House met in caucus last night and selected Paul D. Porter, of Mississippi, as special employe accredited to the minority, to fill the vacancy caused by the death of Col. Isaac Hill. There were seven candidates in the race for the $1,800 job, and five ballots were required to make a selection.

Kirby Gets Possession of Property.

Justice McComas, of the District Court of Appeals, yesterday affirmed the judgment of the lower court in the case of John McFarlane against Patrick Kirby, who had brought suit to recover possession of premises 1212 Sixth street, from McFarlane.

MESSAGE TO CONGRESS.

Important Governmental Policies Suggested by President Roosevelt.

To the Senate and House of Representatives:

As a nation we still continue to enjoy a literally unprecedented prosperity, and it is probable that only reckless speculation and disregard of legitimate business methods on the part of the business world can materially mar this prosperity.

No Congress in our time has done more good work of importance than the present Congress. There were several matters left unfinished at your last session, however, which I most earnestly hope you will complete before your adjournment.

Corporation Campaign Contributions.

I again recommend a law prohibiting all corporations from contributing to the campaign expenses of any party. Such a bill has already past one house of Congress. Let individuals contribute as they desire; but let us prohibit in effective fashion all corporations from making contributions for any political purpose, directly or indirectly.

Governments Right of Appeal in Criminal Cases.

Another bill which has just passed one house of the Congress and which it is urgently necessary should be enacted into law is that conferring upon the government the right of appeal in criminal cases on questions of law. This right exists in many of the States; it exists in the District of Columbia by act of the Congress. It is of course not proposed that in any case a verdict for the defendant on the merits should be set aside. Recently in one district where the government had indicted certain persons for conspiracy in connection with rebates, the courts sustained the defendant's demurrer; while in another jurisdiction an indictment for conspiracy to obtain rebates has been sustained by the court, convictions obtained under it, and two defendants sentenced to imprisonment. The two cases referred to may not be in real conflict with each other, but it is unfortunate that there should even be an apparent conflict. At present there is no way by which the government can cause such a conflict, when it occurs, to be solved by an appeal to a higher court; and the wheels of justice are blocked without any real decision of the question. I cannot too strongly urge the passage of the bill in question. A failure to pass it will result in seriously hampering the government in its effort to obtain justice, especially against wealthy individuals or corporations who do wrong, and may also prevent the government from obtaining justice for wageworkers who are not themselves able effectively to contest a case where the judgment of an inferior court has been against them.

The importance of enacting into law the particular bill in question is further increased by the fact that the government has now definitely begun a policy of resorting to the criminal law in those trust and interstate commerce cases where such a course offers a reasonable chance of success. It has become increasingly evident that the action of the government in finally deciding, in certain cases, to undertake criminal proceedings was justifiable, and though there have been some conspicuous failures in these cases, we have had many successes, which have undoubtedly had a deterrent effect upon evil-doers, whether the penalty inflicted was in the shape of fine or imprisonment—and penaties of both kinds have already been inflicted by the courts. Of course, where the judge can see his way to inflict the penalty of imprisonment the deterrent effect of the punishment on other offenders is increased; but sufficiently heavy fines accomplish much.

Setting Aside of Judgments and Granting of New Trials.

I would like to call attention to the very unsatisfactory state of our criminal law, resulting in large part from the habit of setting aside the judgments of inferior courts on technicalities absolutely unconnected with the merits of the case, and where there is no attempt to show that there has been any failure of substantial justice. It would be well to enact a law providing something to the effect that:

No judgment shall be set aside or new trial granted in any cause, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure unless, in the opinion of the court to which the application is made, after an examination of the entire cause, it shall affirmatively appear that the error complained of has resulted in a miscarriage of justice.

INJUNCTIONS.

In my last message I suggested the enactment of a law in connection with the issuance of injunctions, attention having been sharply drawn to the matter by the demand that the right of applying injunctions in labor cases should be wholly abolished. It is at least doubtful whether a law abolishing altogether the use of injunctions in such cases would stand the test of the courts; in which case of course the legislation would be ineffective. Moreover, I believe it would be wrong altogether to prohibit the use of injunctions. It is criminal to permit sympathy for criminals to weaken our hands in upholding the law; and if men seek to destroy life or property by mob violence there should be no impairment of the power of the courts to deal with them in the most summary and effective way possible. But so far as possible the abuse of the power should be provided against by some such law as I advocated last year.

Of course a judge strong enough to be fit for his office will enjoin any resort to violence or intimidation, especially by conspiracy, no matter what his opinion may be of the rights of the original quarrel. There must be no hesitation in dealing with disorder. But there must likewise be no such abuse of the injunctive power as is implied in forbidding laboring men to strive for their own betterment in peaceful and lawful ways; nor must the injunction be used merely to aid some big corporation in carrying out schemes for its own aggrandizement. It must be remembered that a preliminary injunction in a labor case, if granted without adequate proof (even when authority can be found to support the conclusions of law on which it is founded), may often settle the dispute between the parties; and therefore, if impropery granted may do irreparable wrong. Yet there are many judges who assume a matter-of-course granting of a preliminary injunction to be the ordinary and proper judicial disposition of such cases; and there have undoubtedly been flagrant wrongs committed by judges in connection with labor disputes even within the last few years, although I think much less often than in former years. Such judges by their unwise action immensely strengthen the hands of those who are striving entirely to do away with the power of injunction; and therefore such careless use of the injunctive process tends to threaten its very existence, for if the American people ever become convinced that this process is habitually abused, whether in matters affecting labor or in matters affecting corporations, it will be well-nigh impossible to prevent its abolition.

It may be the highest duty of a judge at any given moment to disregard, not merely the wishes of individuals of great political or financial power, but the overwhelming tide of public sentiment, and the judge who does thus disregard public sentiment when it is wrong, who brushes aside the plea of any special interest when the pleading is not founded on righteousness, performs the highest service to the country. Such a judge is deserving of all honor.

The best judges have ever been foremost to disclaim any immunity from criticism. This had been true since the days of the great English Lord Chancellor Parker, who said: "Let all people be at liberty to know what I found my judgment upon; that, so when I have given it in any cause, others may be at liberty to judge of me." The proprieties of the case were set forth with singular clearness and good temper by Judge W. H. Taft, when a United States Circuit Court judge, eleven years ago, in 1895:

"The opportunity freely and publicly to criticise judicial action is of vastly more importance to the body politic than the immunity of courts and judges from unjust aspersions and attack. Nothing tends more to render judges careful in their decisions and anxiously solicitous to do exact justice than the consciousness that every act of their is to be subjected to the intelligent scrutiny and candid criticism of their fellow-men. Such criticism is beneficial in proportion as it is fair, dispassionate, discriminating, and based on a knowledge of sound legal principles. The comments made by learned text writers, and by the acute editors of the various law reviews upon judicial decisions are therefore highly useful. Such critics constitute more or less impartial tribunals of professional opinion before which each judgment is made to stand or fall on its merits, and thus exert a strong influence to secure uniformity of decision. But non-professional criticism also is by no means without its uses, even if accompanied, as it often is, by a direct attack upon the judicial fairness and motives of the occupants of the bench; for if the law is but the essence of common sense, the protest of many average men may evidence a defect in a judicial conclusion, though based on the nicest legal reasoning and profoundest learning. The two important elements of moral character in a judge are an earnest desire to reach a just conclusion and courage to enforce it. In so far as fear of public comment does not affect the courage of a judge, but only spurs him on to search his conscience and to reach the result which approves itself to his inmost heart, such comment serves a useful purpose. There are few men, whether they are judges for life or for a shorter term, who do not prefer to earn and hold the respect of all, and who cannot be reached and made to pause and deliberate by hostile public criticism. In the case of judges having a life tenure, indeed, their very independence makes the right freely to comment on their decisions of greater importance, because it is the only practical and available instrument in the hands of a free people to keep such judges alive to the reasonable demands of those they serve.

"On the other hand, the danger of destroying the proper influence of judicial decisions by creating unfounded prejudices against the courts justifies and requires that unjust attacks shall be met and answered. Courts must ultimately rest their defense upon the inherent strength of the opinions they deliver as the ground for their conclusions and must trust to the calm and deliberate judgment of all the people as their best vindication."

There is one consideration which should be taken into account by the good people who carry a sound proposition to an excess in objecting to any criticism of a judge's decision. The instinct of the American people as a whole is sound in this matter. They will not subscribe to the doctrine that any public servant is to be above all criticism.

LYNCHING.

In connection with the delays of the law, I call your attention and the attention of the nation to the prevalence of crime among us, and above all to the epidemic of lynching and mob violence that springs up, now in one part of our country, now in another. Each section, North, South, East, or West, has its own faults; no section can with wisdom spend its time jeering at the faults of another section; it should be busy trying to amend its own shortcomings. To deal with the crime of corruption it is necessary to have an awakened public conscience, and to supplement this by whatever legislation will add speed and certainty in the execution of the law. When we deal with lynching even more is necessary. A great many white men are lynched, but the crime is peculiarly frequent in respect to black men. The greatest existing cause of lynching is the perpetration, especially by black men, of the hideous crime of rape—the most abominable in all the category of crimes, even worse than murder. Mobs frequently avenge the commission of this crime by themselves torturing to death the man committing it; thus avenging in bestial fashion a bestial deed, and reducing themselves to a level with the criminal.

Lawlessness grows by what it feeds upon, and when mobs begin to lynch for rape they speedily extend the sphere of their operations and lynch for many other kinds of crimes, so that two-thirds of the lynchings are not for rape at all; while a considerable proportion of the individuals lynched are innocent of all crime. Gov. Candler, of Georgia, stated on one occasion some years ago: "I can say of a verity that I have, within the last month, saved the lives of half a dozen innocent negroes who were pursued by the mob, and brought them to trial in a court of a law in which they were acquitted." As Bishop Galloway, of Mississippi, has finely said: "When the rule of a mob obtains, that which distinguishes a high civilization is surrendered. The mob which lynches a negro charged with rape will in a little while lynch a white man suspected of crime. Every Christian patriot in America needs to lift up his voice in loud and eternal protest against the mob spirit that is threatening the integrity of this republic." Gov. Jelks, of Alabama, has recently spoken as follows: "The lynching of any person for whatever crime is inexcusable anywhere—it is a defiance of orderly government; but the killing of innocent people under any provocation is infinitely more horrible; and yet innocent people are likely to die when a mob's terrible lust is once aroused. The lesson is this: No good citizen can afford to countenance a defiance of the statutes, no matter what the provocation. The innocent frequently suffer, and, it is my observation, more usually suffer than the guilty. The white people of South indict the whole colored race on the ground that even the better elements lend no assistance whatever in ferreting out criminals of their own color. The respectable colored people must learn not to harbor their criminals, but to assist the officers in bringing them to justice. This is the larger crime, and it provokes such atrocious offenses as the one at Atlanta. The two races can never get on until there is an understanding on the part of both to make common cause with the law-abiding against criminals of any color."

Moreover, where any crime committed by a member of one race against a member of another race is avenged in such fashion that it seems as if not the individual criminal, but the whole race, is attacked, the result is to exasperate to the highest degree race feeling. There is but one safe rule in dealing with black men, as with white men; it is the same rule that must be applied in dealing with rich men and poor men; that is, to treat each man, whatever his color, his creed, or his social position, with even-handed justice on his real worth as a man. White people owe it quite as much to themselves as to the colored race to treat well the colored man who shows by his life that he deserves such treatment; for it is surely the highest wisdom to encourage in the colored race, all those individuals who are honest, industrious, law-abiding, and who, therefore, make good and safe neighbors and citizens. Reward or punish the individual on his merits as an individual. Evil will surely come in the end to both races if we substitute for this just rule the habit of treating all the members of the race, good and bad, alike. There is no question of "social equality" or "negro domination" involved; only the question of relentlessly punishing bad men, and of securing to the good man the right to his life, his liberty, and the pursuit of his happiness as his own qualities of heart, head, and hand enable him to achieve it.

Every colored man should realize that the worst enemy of his race is the negro criminal, and above all the negro criminal who commits the dreadful crime of rape; and it should be felt as in the highest degree an offense against the whole country, and against the colored race in particular, for a colored man to fail to help the officers of the law in hunting down with all possible earnestness and zeal every such infamous offender. Moreover, in my judgment, the crime of rape should always be punished with death, as is the case with murder; assault with intent to commit rape should be made a capital crime, at least in the discretion of the court; and provision should be made by which the punishment may follow immediately upon the heels of the offense; while the trial should be so conducted that the victim need not be wantonly shamed while giving testimony, and that the least publicity shall be given to the details.

There is another matter which has a direct bearing upon this matter of lynching and of the brutal crime which sometimes calls it forth, and at other times merely furnishes the excuse for its existence. It is out of the question for our people as a whole permanently to rise by treading down any of their own number. Even those who themselves for the moment profit by such maltreatment of their fellows will in the long run also suffer. No more shortsighted policy can be imagined than in the fancied interest of one class, to prevent the education of another class. The free public school, the chance for each boy or girl to get a good elementary education, lies at the foundation of our whole political situation. In every community the poorest citizens, those who need the schools most, would be deprived of them if they only received school facilities proportioned to the taxes they paid. This is as true of one portion of our country as of another. It is as true for the negro as for the white man. The white man, if he is wise, will decline to allow the negroes in a mass to grow to manhood and womanhood without education.

The best type of education for the colored man, taken as a whole, is such education as is conferred in schools like Hampton and Tuskegee; where the boys and girls, the young men and young women, are trained industrially as well as in the ordinary public school branches. The graduates of these schools turn out well in the great majority of cases, and hardly any of them become criminals, while what little criminality there is never takes the form of that brutal violence which invites lynch law. Every graduate of these schools—and for the matter of that every other colored man or woman—who leads a life so useful and honorable as to win the good will and respect of those whites whose neighbor he or she is, thereby helps the whole colored race as it can be helped in no other way; for next to the negro himself, the man who can do most to help the negro is his white neighbor who lives near him, and our steady effort should be to better the relations between the two. Great though the benefit of these schools has been to their colored pupils and to the colored people, it may well be questioned whether the benefit has not been at least as great to the white people among these colored pupils live after they graduate.

Be it remembered, furthermore, that the individuals who, whether from folly, from evil temper, from greed for office, or in a spirit of mere base demagogy, indulge in the inflammatory and incendiary speeches and writings which tend to arouse mobs and to bring about lynching, not only thus excite the mob, but also tend by what criminologists call "suggestion," greatly to increase the likelihood of a repetition of the very crime against which they are inveighing.

CAPITAL AND LABOR.

In dealing with both labor and capital, with the questions affecting both corporations and trades unions, there is one matter more important to remember than aught else, and that is the infinite harm done by preachers of mere discontent. These are the men who seek to excite a violent class hatred against all men of wealth. They seek to turn wise and proper movements for the better control of corporations and for doing away with the abuses connected with wealth, into a campaign of hysterical excitement and falsehood in which the aim is to inflame to madness the brutal passions of mankind.

To preach hatred of the rich man as such, to carry on a campaign of slander and invective against him, to seek to mislead and inflame to madness honest men whose lives are hard and who have not the kind of mental training which will permit them to appreciate the danger in the doctrines preached—all this is to commit a crime against the body politic and to be false to every worthy principle and tradition of American national life. In the long run every such movement will either fail or else will provoke a violent reaction.

Corruption is never so rife as in communities where the demagogue and the agitator bear full sway, because in such communities all moral bands become loosened, and hysteria and sensationalism replace the spirit of sound judgment and fair dealing as between man and man.

The one hope for success for our people lies in a resolute and fearless, but sane and cool-headed, advance along the path marked out last year by this very Congress. There must be a stern refusal to be misled into following either that base creature who appeals and panders to the lowest instincts and passions in order to arouse one set of Americans against their fellows, or that other creature, equally base but no baser, who, in a spirit of greed, or to accumulate or add to an already huge fortune, seeks to exploit his fellow-Americans with callous disregard to their welfare of soul and body. The man who debauches others in order to obtain a high office stands on an evil equality of corruption with the man who debauches others for financial profit, and when hatred is sown the crop which springs up can only be evil.

The plain people who think—the mechanics, farmers, merchants, workers with head or hand, the men to whom American traditions are dear, who love their country and try to act decently by their neighbors, owe it to themselves to remember that the most damaging blow that can be given popular government is to elect an unworthy and sinister agitator on a platform of violence and hypocrisy. Whenever such an issue is raised in this country nothing can be gained by flinching from it, for in such case democracy is itself on trial, popular self-government under republican forms is itself on trial. The triumph of the mob is just as evil a thing as the triumph of the plutocracy, and to have escaped one danger avails nothing whatever if we succumb to the other. In the end the honest man, whether rich or poor, who earns his own living and tries to deal justly by his fellows, has as much to fear from the insincere and unworthy demagogue, promising much and performing nothing, or else performing nothing but evil, who would set on the mob to plunder the rich, as from the crafty corruptionist, who, for his own ends, would permit the common people to be exploited by the very wealthy. If we ever let this government fall into the hands of men of either of these two classes, we shall show ourselves false to America's past. Moreover, the demagogue and the corruptionist often work hand in hand. There are at this moment wealthy reactionaries of such obtuse morality that they regard the public servant who prosecutes them when they violate the law, or who seeks to make them bear their proper share of the public burdens, as being even more objectionable than the violent agitator who hounds on the mob to plunder the rich. There is nothing to choose between such a reactionary and such an agitator; fundamentally they are alike in their selfish disregard of the rights of others, and it is natural that they should join in opposition to any movement of which the aim is fearlessly to do exact and even justice to all.

Railroad Employes' Hours and Eight-Hour Law.

I call your attention to the need of passing the bill limiting the number of hours of employment of railroad employes. The measure is a very moderate one and I can conceive of no serious objection to it. Indeed, so far as it is in our power, it should be our aim steadily to reduce the number of hours of labor, with as a goal the general introduction of an eight-hour day. There are industries in which it is not possible that the hours of labor should be reduced; just as there are communities not far enough advanced for such a movement to be for their good, or, if in the tropics, so situated that there is no analogy between their needs and ours in this matter. On the Isthmus of Panama, for instance, the conditions are in every way so different from what they are here that an eight-hour day would be absurd; just as it is absurd, so far as the isthmus is concerned, where white labor cannot be employed, to bother as to whether the necessary work is done by alien black men or by alien yellow men. But the wageworkers of the United States are of so high a grade that alike from the merely industrial standpoint, and from the civic standpoint it should be our object to do what we can in the direction of securing the general observance of an eight-hour day. Until recently the eight-hour law on our Federal statute books has been very scantily observed. Now, however, largely through the instrumentality of the Bureau of Labor, it is being rigidly enforced, and I shall speedily be able to say whether or not there is need of further legislation in reference thereto; for our purpose is to see it obeyed in spirit no less than in letter. Half holidays during summer should be established for Government employes; it is as desirable for wageworkers who toil with their hands as for salaried officials whose labor is mental that there should be a reasonable amount of holiday.

Labor of Women and Children.

Let me again urge that the Congress provide for a thorough investigation of the conditions of child labor and of the labor of women in the United States. The horrors incident to the employment of young children in factories or at work anywhere are a blot on our civilization. It is true that each State must ultimately settle the question in its own way; but a thorough official investigation of the matter, with the results published broadcast, would greatly help toward arousing the public conscience and securing unity of State action in the matter. There is, however, one law on the subject which should be enacted immediately, because there is no need for an investigation in reference thereto, and the failure to enact it is discreditable to the national government. A drastic and thoroughgoing child-labor law should be enacted for the District of Columbia and the Territories.

Employers' Liability.

Among the excellent laws which the Congress past at the last session was an employers' liability law. It was a marked step in advance to get the recognition of employers' liability on the statute books; but the law did not go far enough. It is a great social injustice to compel the employe, or rather the family of the killed or disabled victim, to bear the entire burden of such an inevitable sacrifice. In other words, society shirks its duty by laying the whole cost on the victim, whereas the injury comes from what may be called the legitimate risks of the trade. Compensation for accidents or deaths due in any line of industry to the actual conditions under which that industry is carried on, should be paid by that portion of the community for the benefit of which the industry is carried on—that is, by those who profit by the industry. If the entire trade risk is placed upon the employer he will promptly and properly add it to the legitimate cost of production and assess it proportionately upon the consumers of his commodity. It is therefore clear to my mind that the law should place this entire "risk of a trade" upon the employer. Neither the Federal law, nor, as far as I am informed, the State laws dealing with the question of employers' liability are sufficiently thoroughgoing. The Federal law should, of course, include employes in navy yards, arsenals, and the like.

Investigation of Disputes Between Capital and Labor.

The commission appointed by the President, October 16, 1902, at the request of both the anthracite coal operators and miners, to inquire into, consider, and pass upon the questions in controversy in connection witht he strike in the anthracite regions of Pennsylvania and the causes out of which the controversy arose, in their report, findings, and award expressed the belief "that the State and Federal governments should provide the machinery for what may be called the compulsory investigation of controversies between employers and employes when they arise." This expression of belief is deserving of the favorable consideration of the Congress and the enactment of its provisions into law. A bill has already been introduced to this end.

Records show that during the twenty years from January 1, 1881, to December 31, 1900, there were strikes affecting 117,509 establishments, and 6,105,694 employes were thrown out of employment. During the same period there were 1,005 lockouts, involving nearly 10,000 establishments, throwing over one million people out of employment. These strikes and lockouts involved an estimated loss to employes of $307,000,000 and to employers of $143,000,000, a total of $450,000,000. The public suffered directly and indirectly probably a great additional loss. But the money loss, great as it was, did not measure the anguish and suffering endured by the wives and children of employes whose pay stopped when their work stopped, or the disastrous effect of the strike or lockout upon the business of employers, or the increase in the cost of products and the inconvenience and loss to the public.

The exercise of a judicial spirit by a disinterested body representing the Federal government, such as would be provided by a commission on conciliation and arbitration would tend to create an atmosphere of friendliness and conciliation between contending parties; and the giving each side an equal opportunity to present fully its case in the presence of the other would prevent many disputes from developing into serious strikes or lockouts, and, in other cases, would enable the commission to persuade the opposing parties to come to terms.

In this age of great corporate and labor combinations, neither employers nor employes should be left completely at the mercy of the stronger party to a dispute, regardless of the righteousness of their respective claims. The proposed measure would be in the line of securing recognition of the fact that in many strikes the public has itself an interest which cannot wisely be disregarded; an interest not merely of general convenience, for the question of a just and proper public policy must also be considered.

Withdrawal of Coal Lands.

It is not wise that the nation should alienate its remaining coal lands. I have temporarily withdrawn from settlement all the lands which the Geological Survey has indicated as containing, or in all probability containing, coal. The question, however, can be properly settled only by legislation, which in my judgment should provide for the withdrawal of these lands from sale or from entry, save in certain especial circumstances. The ownership would then remain in the United States, which should not, however, attempt to work them, but permit them to be worked by private individuals under a royalty system, the government keeping such control as to permit it to see that no excessive price was charged consumers. It would, of course, be as necessary to supervise the rates charged by the common carriers to transport the product as the rates charged by those who mine it; and the supervision must extend to the conduct of the common carriers, so that they shall in no way favor one competitor at the expense of another. The withdrawal of these coal lands would constitute a policy analagous to that which has been followed in withdrawing the forest lands from ordinary settlement. The coal, like the forests, should be treated as the property of the public and its disposal should be under conditions which would inure to the benefit of the public as a whole.

CORPORATIONS.

The present Congress has taken long strides in the direction of securing proper supervision and control of the national government over corporations engaged in interstate business—and the enormous majority of corporations of any size are engaged in interstate business. The passage of the railway rate bill, and only to a less degree the passage of the pure food bill, and the provision for increasing and rendering more effective national control over the beef-packing industry, mark an important advance in the proper direction. All these laws have already justified their enactment. The interstate commerce law, for instance, has rather amusingly falsified the predictions, both of those who asserted that it would ruin the railroads and of those who asserted that it did not go far enough and would accomplish nothing. During the last five months the railroads have shown increased earnings and some of them unusual dividends; while during the same period the mere taking effect of the law has produced an unprecedented, a hitherto unheard of, number of voluntary reductions in freights and fares by the railroads. Since the founding of the commission there has never been a time of equal length in which anything like so many reduced tariffs have been put into effect. On August 27, for instance, two days before the new law went into effect, the commission received notices of over 5,000 separate tariffs which represented reductions from previous rates.

It must not be supposed, however, that with the passage of these laws it will be possible to stop progress along the line of increasing the power of the national government over the use of capital in interstate commerce. For example, there will ultimately be need of enlarging the powers of the Interstate Commerce Commission along several different lines, so as to give it a larger and more efficient control over the railroads.

It cannot too often be repeated that experience has conclusively shown the impossibility of securing by the actions of nearly half a hundred different State legislatures anything but ineffective chaos in the way of dealing with the great corporations which do not operate exclusively within the limits of any one State. In some method, whether by a national license law or in other fashion, we must exercise, and that at an early date, a far more complete control than at present over these great corporations—a control that will among other things prevent the evils of excessive overcapitalization, and that will compel the disclosure by each big corporation of its stockholders and of its properties and business, whether owned directly or through subsidiary or affiliated corporations. This will tend to put a stop to the securing of inordinate profits by favored individuals at the expense whether of the general public, the stockholders, or the wageworkers. Our effort should be not so much to prevent consolidation as such but so to supervise and control it as to see that it results in no harm to the people. The reactionary or ultraconservative apologists for the misuse of wealth assail the effort to secure such control as a step toward socialism. As a matter of fact it is these reactionaries and ultraconservatives who are themselves most potent in increasing socialistic feeling. One of the most efficient methods of averting the consequences of a dangerous agitation, which is 80 per cent wrong, is to remedy the 20 per cent of evil as to which the agitation is well founded. The best way to avert the very undesirable move for the governmental ownership of railways is to secure by the government on behalf of the people as a whole such adequate control and regulation of the great interstate common carriers as will do away with the evils which give rise to the agitation against them.

The actual working of our laws has shown that the effort to prohibit all combination, good or bad, is noxious where it is not ineffective. Combination of capital like combination of labor is a necessary element of our present industrial system. It is not possible completely to prevent it, and if it were possible, such complete prevention would do damage to the body politic. What we need is not vainly to try to prevent all combination, but to secure such rigorous and adequate control and supervision of the combinations as to prevent their injuring the public, or existing in such form as inevitably to threaten injury—for the mere fact that a combination has secured practically complete control of a necessary of life would under any circumstances show that such combination was to be presumed to be adverse to the public interest. It is unfortunate that our present laws should forbid all combinations, instead of sharply discriminating between those combinations, which do good and those combinations which do evil. Rebates, for instance, are as often due to the pressure of big shippers (as was shown in the investigation of the Standard Oil Company and as has been shown since by the investigation of the tobacco and sugar trusts) as to the initiative of

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